



# California Regional Water Quality Control Board

## Santa Ana Region



**Winston H. Hickox**  
Secretary for  
Environmental  
Protection

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**Gray Davis**  
Governor

*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our website at [www.swrcb.ca.gov/rwqcb8](http://www.swrcb.ca.gov/rwqcb8).*

October 23, 2002

Emhart Industries, Inc.  
701 East Joppa Road  
Towson, MD 21286

B&D, Inc.  
701 East Joppa Road  
Towson, MD 21286

### **DIRECTIVE TO SUBMIT A WORK PLAN AND CONDUCT PERCHLORATE INVESTIGATION IN THE VICINITY OF THE FORMER WEST COAST LOADING CORPORATION AND ITS STORAGE BUNKERS, CITY OF RIALTO, SAN BERNARDINO COUNTY, CALIFORNIA**

Ladies and Gentlemen:

As you are aware, perchlorate has been detected in municipal water supply wells in the Rialto, Colton and Chino Groundwater Subbasins in San Bernardino County, California. These water supply wells are located downgradient of the former West Coast Loading Corporation (WCLC), in North Rialto. Perchlorate salts were used as oxidizers in photo-flash cartridges and illuminating mortar shells, which were manufactured and tested at the former WCLC facility. Shipments of perchlorate salts were stored and dried at the former WCLC facility. In addition, WCLC also owned, leased, managed, and/or used several storage bunkers that formerly occupied land adjacent to WCLC's 160-acre site, during the period of WCLC's operations in North Rialto.

Information that the Kwikset Corporation and Rialto-area businesses provided to us in response to subpoenas indicates that Emhart Industries, Inc. and B&D, Inc. are the successor companies of WCLC. As such, this letter sets forth a requirement under California Water Code Section 13267 that Emhart Industries, Inc. and B&D, Inc. conduct an investigation to define the lateral and vertical extent of perchlorate in soil and groundwater in the vicinity of the former WCLC facility and the former bunker area that was owned, leased, managed, and/or used by WCLC. As required by that provision, this letter contains an explanation of the need for the investigation, and cites evidence supporting the requirement.

#### Background

Perchlorate contamination was first detected in groundwater in the Rialto, Colton and Chino Subbasins in 1997. At that time, the California Department of Health Services (DHS) Action Level (AL) for perchlorate in drinking water was 18 parts per billion (ppb). Two wells had perchlorate levels exceeding 18 ppb and were shut down. In January 2002, the DHS lowered the AL to four ppb. In response to the reduced AL for perchlorate, the local water purveyors in

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the Rialto, Colton and Chino Groundwater Subbasins restricted or eliminated the use of additional production wells with perchlorate concentrations that exceeded four ppb. Between 1997 and the present, various suspected perchlorate dischargers, including WCLC and the former bunkers used by WCLC (now Emhart Industries and B&D, Inc.) in North Rialto, have been identified.

#### Requirement for an Investigation

The Regional Board has directed staff to issue individual letters under California Water Code Section 13267 to suspected perchlorate dischargers. The Board also expressed a strong desire that suspected perchlorate dischargers work with the local water purveyors to provide a supply of replacement water during the loss or limited use of their production wells.

#### The Need for the Investigation

The Santa Ana Regional Water Quality Control Board is charged with the protection of water quality in this Region. We have been working actively with the water purveyors for several years to identify the extent and address the impact of perchlorate contamination on water resources in the Rialto, Colton and Chino Groundwater Subbasins. The water purveyors whose wells have been contaminated with perchlorate now face a state of emergency, and may not be able to provide an adequate water supply to their customers. It is urgent that the sources of the contamination be identified, and the magnitude of the perchlorate plume defined.

#### Evidence Supporting the Need for the Investigation

Enclosed as attachments are the following documents:

1. Attachment 1 – Well Location Map, showing perchlorate contamination in municipal water supply wells.
2. Attachment 2 – Invoices and business records indicating the use and storage of perchlorate salts at the former WCLC (now Emhart Industries, Inc. and B&D, Inc.) facility in North Rialto. (Documents obtained from the Kwikset Corporation in response to subpoena).
3. Attachment 3 – Plot Plan of the former WCLC (now Emhart Industries, Inc. and B&D, Inc.) facility with a cross-reference to “igloos” (storage bunkers) used by WCLC. (Documents obtained from the Kwikset Corporation in response to subpoena).
4. Attachment 4 – Plot Plan of the former storage bunkers (listed as bunkers A1 through E3) that were located on property in North Rialto.
5. Attachment 5 – Invoices for WCLC’s (now Emhart Industries, Inc. and B&D, Inc.) monthly rental of igloos (storage bunkers) that were owned, leased, managed, and/or used by WCLC. (Documents obtained from the Kwikset Corporation in response to subpoena).
6. Attachment 6 – Corporate history indicating that Emhart Industries, Inc. and B&D, Inc. are the corporate successors of WCLC.

The evidence indicates that the WCLC (now Emhart Industries, Inc. and B&D, Inc.) used and stored perchlorate salts on the main WCLC facility site, and possibly in storage bunkers that formerly occupied property adjacent to WCLC in North Rialto. Perchlorate has been detected in groundwater downgradient of the WCLC site and the former bunker area. Based on the evidence, WCLC (now Emhart Industries, Inc. and B&D, Inc.) is suspected of having discharged perchlorate waste that has adversely affected water quality. This evidence supports the requirement for an investigation, as defined in Section 13267(b)(1) of the California Water Code.

Deadlines

1. A work plan for soil and groundwater investigation for perchlorate in the vicinity of the WCLC (now Emhart Industries and B&D, Inc.) facility and the former storage bunkers must be submitted to Board staff by November 25, 2002. The work plan will be subject to my approval.
2. The investigation must commence within 30 days of approval.
3. All analytical results, groundwater measurements, and field information are to be submitted by fax to Board staff within 24 hours of being generated, throughout all stages of work, and during all phases of the investigation. The office fax number to be used for your data transmittals is (909) 781-6288.
4. The final report for this soil and groundwater investigation, including (at a minimum) the borehole logs, well construction details, groundwater elevation data, and soil and groundwater analytical results, must be submitted to Board staff within 30 days of completing the field work.

**Failure to submit the required information by the specified deadline will subject you to administrative civil liability in the amount of up to \$1,000 per day pursuant to Section 13268(a) and (b) of the California Water Code.**

Finally, please be aware that the Board has directed staff to explore alternative ways of solving the water supply problem in the Rialto, Colton and Chino Groundwater Subbasins. In addition, consistent with the Board's direction, we will be issuing similar directives to a number of other suspected dischargers who have operated in the North Rialto area. Thus, there may be opportunities to cooperate with other entities to implement joint investigations or to propose solutions that would address the water supply problem. In fact, we believe it would be both scientifically effective and economically efficient for the suspected dischargers subject to these directives to jointly pursue the investigation and to explore water supply replacement options. Further, consistent with the Board's direction, we recommend that the joint efforts of the suspected dischargers consider both the characterization of the plume and initiation of water supply replacement or treatment strategies. Board staff has experience in managing similar joint investigations and cooperative solutions and we are available to discuss these further with you. If you are interested in discussing alternative options for complying with this directive, please contact us to arrange a meeting.

If you have any questions about this letter, please contact Kamron Saremi at (909) 782-4303, or you may call Ann Sturdivant, Chief of our Spills, Leaks, Investigations and Cleanups Section, at (909) 782-4904.

Sincerely,

Gerard J. Thibeault  
Executive Officer

Attachments:

*California Environmental Protection Agency*



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- 1 - Well Location Map, showing perchlorate contamination in municipal water supply wells.
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- 4 - Plot Plan of the former storage bunkers (listed as bunkers A1 through E3) that were located on property in North Rialto.
- 5 - Invoices for WCLC's (now Emhart Industries, Inc. and B&D, Inc.) monthly rental of igloos (storage bunkers) that were owned, leased, managed, and/or used by WCLC.
- 6 - Corporate history indicating that Emhart Industries, Inc. and B&D, Inc. are the corporate successors of WCLC.
- 7 - Inland Empire Perchlorate Regulatory Task Force Mailing List.

cc w/attachments:

Charles E. Fenton, Senior Vice President and General Counsel, Black & Decker Corp  
Robert Wyatt, Allen Matkins Leck Gamble & Mallory, LLP

cc w/out attachments:

Regional Board

Jorge Leon, Office of Chief Counsel, SWRCB

Ken Miller, County of San Bernardino Department of Public Works

Chris Conley, GenCorp, Sacramento

Dan Coyle - Downey Brand Seymour & Rohwer, LLP, representing American  
Promotional Events – West, Inc.

Peter Duchesneau - Manatt, Phelps & Phillips, representing Goodrich Corporation

Charles Whisonant, representing Denova Environmental

Allen Curlee, Office of the District Counsel, U.S. Army Corps of Engineers, Sacramento

Bruce Cash, United Strategies, Inc., consultant for Pyro Spectaculars by Souza

Inland Empire Perchlorate Regulatory Task Force (mailing list attached)

AES/Data/SLIC/Rialto perchlorate 01-02/13267/B&D

